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EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,329

Applicant(s)

HUANG, YEA YEN

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Claim Objections***

Claims 2, 3, 7, 9, 10 and 11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Each of claims 2, 3, 7, 9, 10 and 11 do not further structurally limit the invention of the base claim 1 and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 through 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 12, recitation of "one end" is indefinite for not being associated with any structure, and therefore the "one end" is not defined. The phrase "one end" may be rewritten as - - one end of the rubber sucker - -.

In claim 1, line 14, recitation of "one end" is indefinite for not being associated with any structure, and therefore the "one end" is not defined. The phrase "a brake block, one end ..." may be best rewritten as - - a brake block including one end --; or, "one end" may be rewritten as - - one end of the brake block - -.

Concerning claim 4, the term "regular" in claim 4, is a relative term which renders the claim indefinite. The term "regular" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Concerning claims 5-11, each of the claims are indefinite since the claims appear to be directed to other embodiments that comprises structure other than the structure relied upon in base claim 1. Phrases rendering the claims indefinite are, for example,

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“the structure can also be made on a single side of casing, to include simultaneously the embodiments of” (claim 5), and “wherein, a same side of the casing is provided with a structure of a magnet and a rubber sucker, and in another embodiment, on an arch casing” (claim 8). Each of the inventions claimed in claims 5 through 11, taken as a whole, are presumed to include all of the limitations of the base claim and any intervening claims. However, claims 5 through 11 are not in proper format for claiming other embodiments of applicant’s invention.

Furthermore, in claim 5, bridging lines 1 and 2, there is no antecedent basis for “the structure”.

In claim 5, lines 4 and 7, each recitation of the phrase “the case” is indefinite since the phrase does not distinguish between “the upper casing”, “the lower case”, or “a single side of casing”.

In claim 6, lines 2 and 6, each recitation of the phrase “the case” is indefinite since the phrase does not distinguish between “the upper casing”, “the lower case”, or “a single side of casing”.

In claim 6, bridging lines 6 and 7, recitation of the phrase “the thread hole” is indefinite since the phrase does not distinguish between the thread hole of the moving blocking and the thread hole of the brake block.

In claim 7, line 4, recitation of “the screw bolt” is indefinite since the phrase does not distinguish between ‘the screw bolt of the nut’, the ‘screw bolt of the brake block’, or the ‘screw bolt’ of the first rubber sucker of claim 1.

In claim 7, line 2, recitation of the phrase “the case” is indefinite since the phrase does not distinguish between “the upper casing”, “the lower case”, or “a single side of casing”.

In claim 8, line 2, recitation of the phrase “the case” is indefinite since the phrase does not distinguish between “the upper casing”, “the lower case”, or “a single side of casing”.

In claim 8, lines 5 and 5, recitation of “the rubber sucker” is indefinite since the phrase does not distinguish between the rubber suckers established in claim 1, and the two rubber suckers established on lines 2 and 3 of claim 8.

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In claim 10, line 3, there is no antecedent basis for "the foregoing accessories".

In claim 11, bridging lines 2 and 3, there is no antecedent basis for "any accessory".

Allowable Subject Matter

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action, and to positively recite the magnet and the rubber sucker in the claim. For example, claim 1 would be allowable if rewritten as:

1(proposed amended). A multiple-function hanging and fastening device, comprising:
a set of upper casing and lower casing that are selectively separated and assembled;
the upper casing being shaped like a disc, having a through hole at a center thereof, inside of the through hole being a protruded block protruding toward the center, the upper casing forming a depressed groove **and** accommodating a magnet;
the lower casing being shaped like a disc, but facing a direction opposite to the upper casing, having a through hole at a center thereof, the lower casing forming a depressed groove **and** accommodating a rubber sucker set, the rubber sucker set comprising:
a rubber sucker, having a screw bolt at a center thereof, one end **of the rubber sucker** extending out of the rubber sucker;
a brake block **including** one end having a thread hole matching the screw bolt, an inside of a top end of the brake block having a tapered face, the tapered face having a brake groove at an end thereof, the rubber sucker having a screw bolt extended through a through hole on the lower casing, and selectively screwed into a thread hole at one end of the brake block, tightening the rubber sucker and the brake block onto the lower casing;
the present invention permitting the user to selectively attach either side of the multiple-function hanging and fastening device onto a smooth surface of a glass panel or a metal panel, using the magnet or the rubber sucker.

Claims 2-11 would be allowable if rewritten to overcome the objection set forth in the Action and the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Concerning claim 1, the prior art of record fails to teach or suggest a multiple-function hanging and fastening device, having the structural combination to include the upper casing being shaped like a disc, having a through hole at a center thereof, inside of the through hole being a protruded block protruding toward the center, the upper casing forming a depressed groove for accommodating a magnet; and the lower casing being

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shaped like a disc, but facing a direction opposite to the upper casing, having a through hole at a center thereof, the lower casing forming a depressed groove for accommodating a rubber sucker set; the rubber sucker set including a rubber sucker, having a screw bolt at a center thereof, one end extending out of the rubber sucker; and a brake block, one end having a thread hole matching the screw bolt, an inside of a top end of the brake block having a tapered face, the tapered face having a brake groove at an end thereof, the rubber sucker having a screw bolt extended through a through hole on the lower casing, and selectively screwed into a thread hole at one end of the brake block, tightening the rubber sucker and the brake block onto the lower casing.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morita (U. S. Patent No. 6,564,434), Carnevali (U. S. Patent No. 6,666,420), Dembowiak et al. (U. S. Patent No. 6,425,560), Maznik (U. S. Patent No. 5,630,517), Adams (U. S. Patent No. 4,848,713), Wu (U. S. Patent No. 5,029,786), and Hong (U. S. Patent No. 5,613,659) each show fastening devices. However, they each fails to have the structural combination of elements of: an upper casing being shaped like a disc, having a through hole at a center thereof, inside of the center through hole being a protruded block protruding toward the center, the upper casing forming a depressed groove and accommodating a magnet; the lower casing being shaped like a disc, but facing a direction opposite to the upper casing, having a through hole at a center thereof, the lower casing forming a depressed groove and accommodating a rubber sucker set, the rubber sucker set comprising: a rubber sucker, having a screw bolt at a center thereof, one end extending out of the rubber sucker; a brake block including one end having a thread hole matching the screw bolt, an inside of a top end of the brake block having a tapered face, the tapered face having a brake groove at an end thereof, the rubber sucker having a screw bolt extended through a through hole on the lower casing, and selectively screwed into a thread hole at one end of the brake block, tightening the rubber sucker and the brake block onto the lower casing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
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